

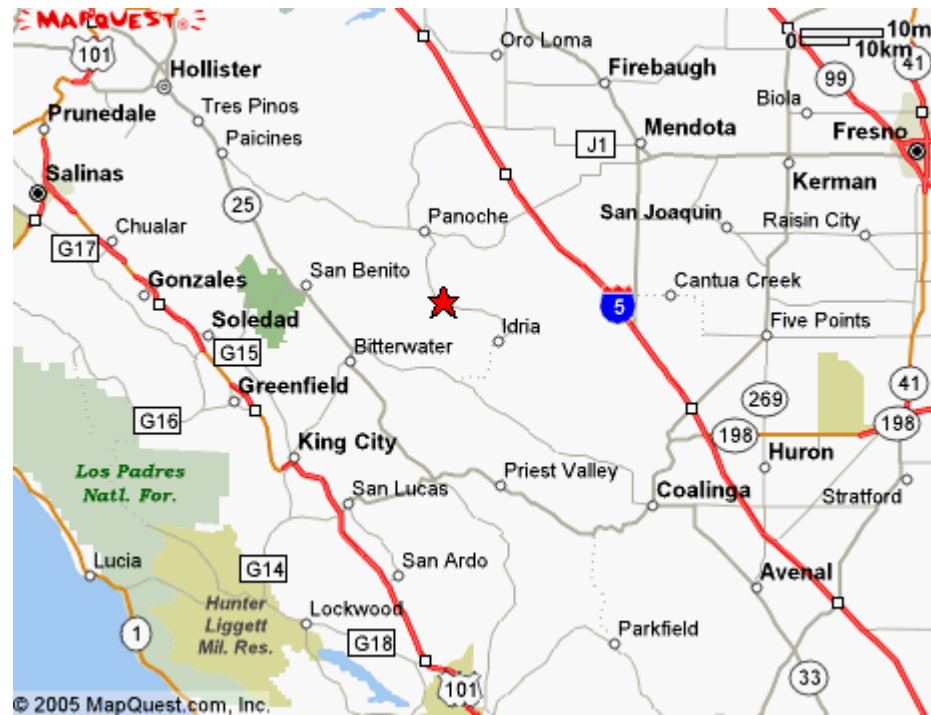
# Mining Interagency Collaboration at New Idria Illegal Dumpsite

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# Presentation Outline

- History of New Idria Mine
- Creation of an Illegal Dumpsite
- Chronology of Enforcement Efforts
- Legal Prosecution
- Hazardous Waste Cleanup
- Solid Waste Cleanup
- Lessons Learned
- Next Steps

# Where is New Idria?





# Interesting Geology



# Benitoite





# History of New Idria

*Copyright 2005-New Idria Historical Preservation Project*

- 1858: Work begins at New Idria Mine
- 1868: 450 men produce 12,180 flasks (925,560 pounds) of Mercury
- 1936: Former President Herbert Hoover visits New Idria
- 1948: Mercury market begins to wane
- November 1973: Remaining equipment sold at onsite auction

# Drilling Tunnel circa 1901





# New Idria in Full Production



# Mule Hauling Ore From Mine

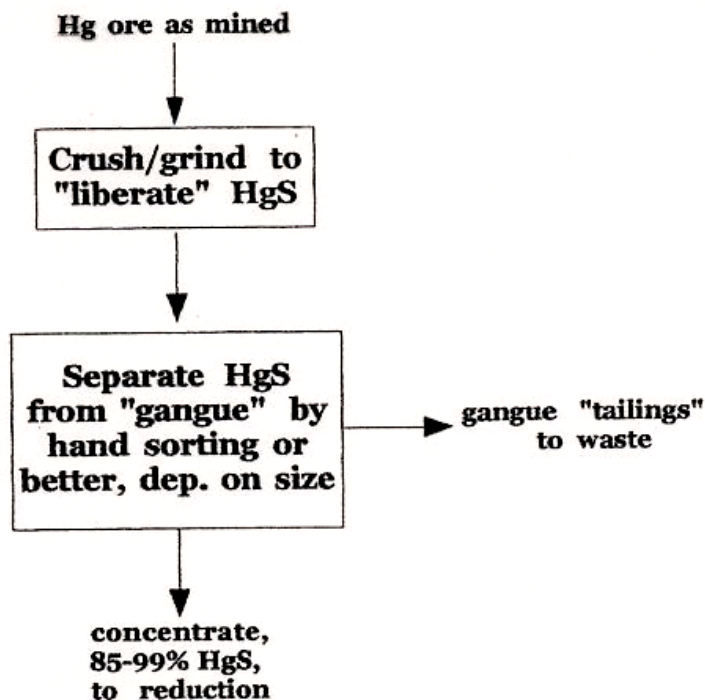


# National Guard WW II

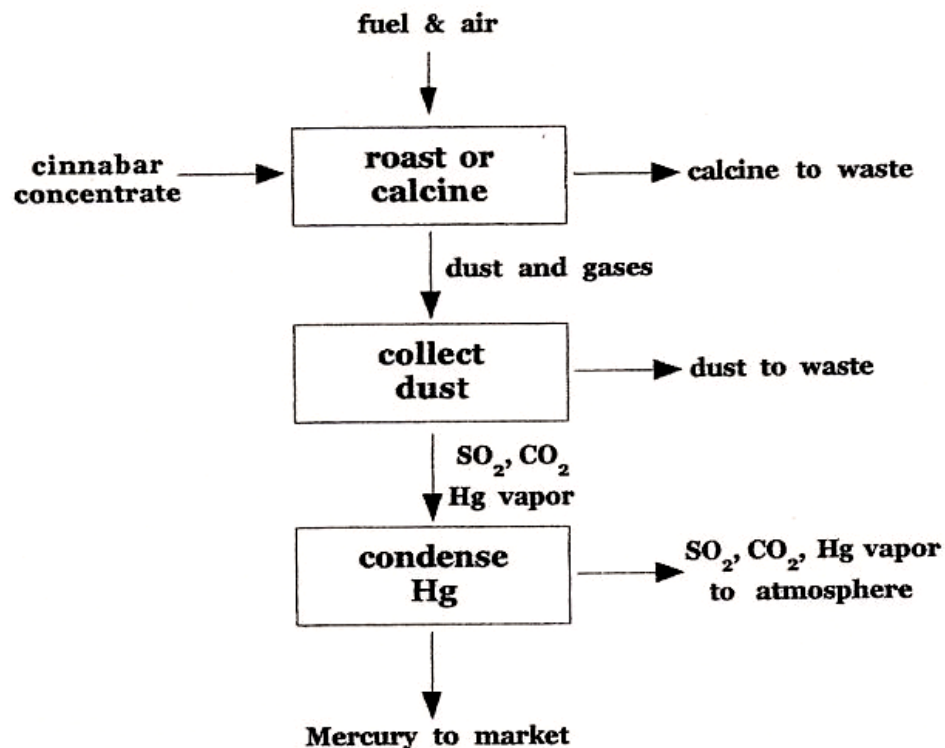


# Cinnabar Ore Dressing and Reduction Process

## ORE DRESSING

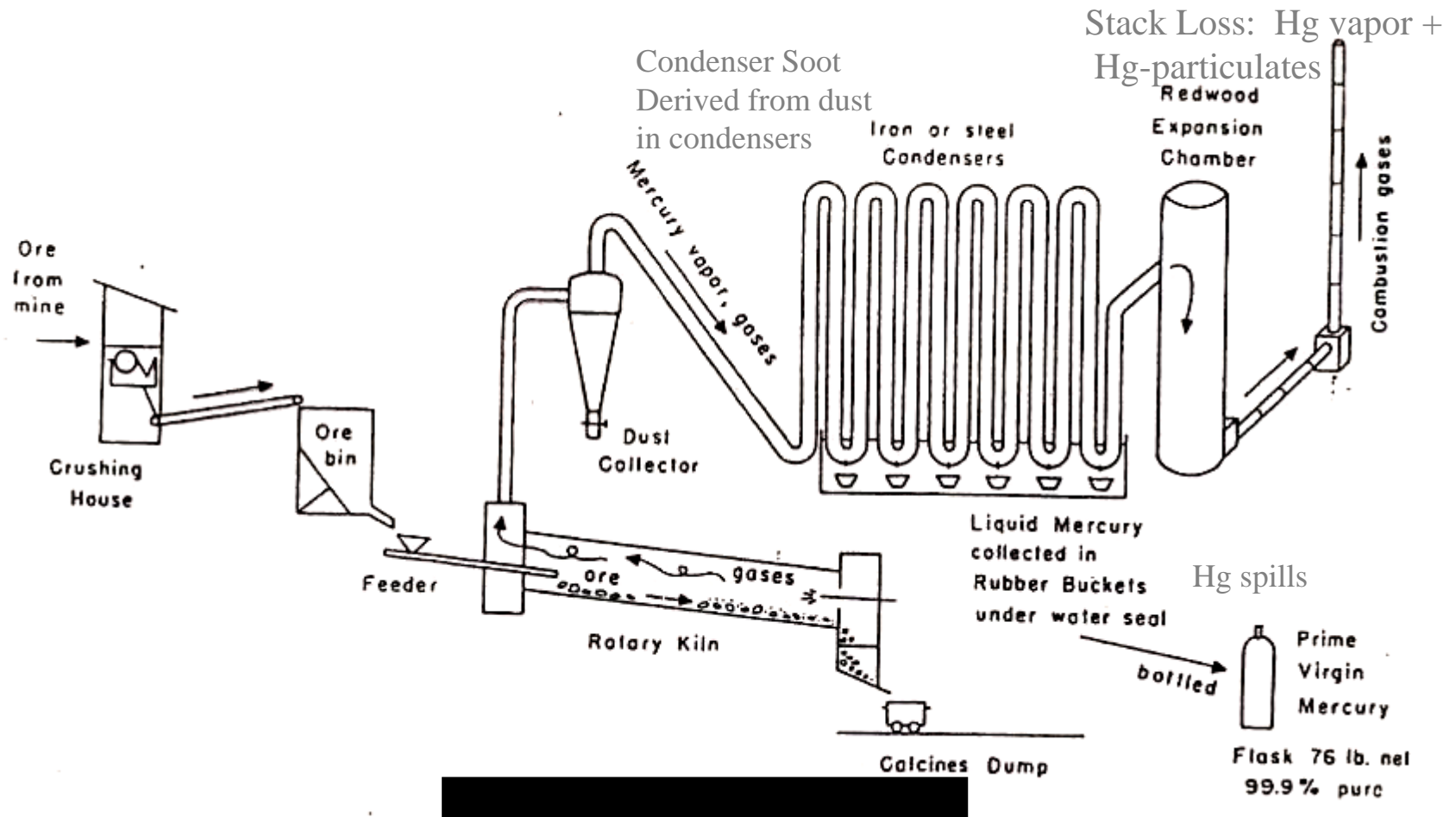


## REDUCTION



Mine waste generated includes: low grade ore, waste rock, calcines (tailings), condenser soot, and Hg enriched soils.

# Schematic of Cinnabar Ore Roasting Process



# Rotary Furnace



# Futures Foundation

- 1980's: Sylvester Herring & the Futures Foundation purchased New Idria
- Established drug rehab program through Santa Clara Co. Courts
- Wards of court sent to live at New Idria
- Formed work crews to clean up C&D sites and hazardous wastes
- FF billed client for Class I&III disposal fees, but dumped at New Idria



# Futures Foundation

- LEA, County Code Enforcement refused admittance to site
- Throughout 1980's & 1990's, County attempted to prosecute Mr. Herring for illegal disposal of solid and hazardous wastes
- Enforcement efforts yielded few results

# Early Enforcement Problems

- Lack of personnel and resources in District Attorney's Office
- Circuit-riding judges led to repeat hearings and discontinuous enforcement



# 2000: Building Momentum

- Bay Area Environmental Task Force begins strategic planning
- Rumors of drug activity bring in state and local law enforcement
- County Code Enforcement & LEA partner with Circuit Prosecutor to compose search warrant

# Agencies Involved

- U.S. Attorney: Hosts Task Force
- CHP: Abandoned vehicles & aerial surveillance
- Dept. of Justice: Narcotics lead
- DTSC: Hazardous materials
- San Benito Co. Code Enforcement
- SBC Building Dept.
- SBC Sheriff Dept.



# Agencies Involved, Cont.

- San Benito Co. LEA
- San Benito Co. Brand Inspector
- San Benito Co. Animal Control
- Santa Clara Co. District Attorney
- Circuit Prosecutor/San Benito Co. D.A.
- Red Cross

# Search Warrant: 07/18/2001





# Illegal Solid Waste Dumpsite

- Wood
- Scrap Metal
- Abandoned Vehicles
- Plastic
- White Goods
- Empty Propane Tanks
- Tires
- Shingles
- Burn Dump



# New Idria Overhead



# Aerial of Landfill





# Aerial of Landfill



# Landfill Tires







# Abandoned Vehicles



















# Wood



# AB 939 Diversion??





# Tires Outside Storage Building



# Hazardous Materials

- Burn Ash
- Asbestos Stacks
- Fuel Dispensers
- Batteries
- Transformers
- Paints
- Waste Oil



# Burn Ash





# Asbestos Stacks



# Batteries

## Transformers



# Fuel Pumps Waste Oils, Paints, & Solvents





# Paint & Waste Chemicals in Dog Kennels



# Notice of Abatement 9/10/2001

- Cease violations
- Submit workplan within 45 days for removal and disposal of solid and hazardous wastes
- Mr. Herring failed to comply with abatement notice





# Plea Agreement

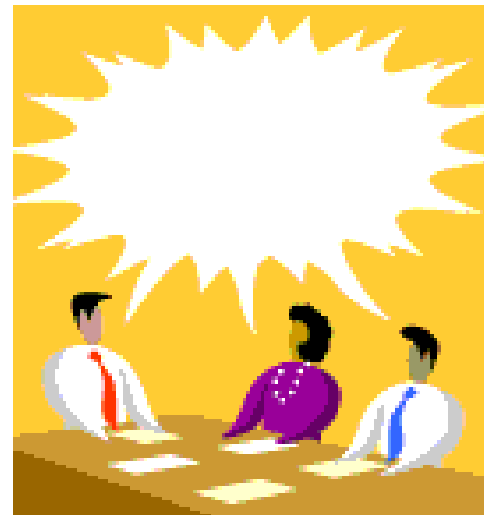
- Illegal solid waste disposal
- Improper handling/disposal of hazardous wastes
- Unpermitted dog breeding
- Building code violations
- Cease & desist
- Submit workplan
- Properly dispose of solid & hazardous wastes
- Fine of \$150,000
- 3 years probation
- Search waiver

# Evidence collected today pays off tomorrow...

Wayne Yip, former REHS & current peace officer for Santa Clara County D.A.'s Office, labeled several drums of waste oil, solvents, etc. nearly ten years ago during an inspection in Santa Clara. During search, he found these same drums at New Idria.

# Lessons Learned in Phase I

- Participate in Regional Task Force:  
Strength in numbers
- **Relationships yield results**
- Circuit Prosecutor invaluable resource to  
small rural counties



# Phase II: Cleanup Begins

- 2002: DTSC developed workplan for removal of hazardous materials from New Idria.
- Exclusions:
  - ❖ Asbestos Piping – cost prohibitive
  - ❖ Enclosed Buildings: H&S Concerns (Hanta Virus, Mercury dust, etc.)

# Hazardous Waste Cleanup

- February 2003: DTSC began cleanup through its contractor Clean Harbors.
- Cleanup completed using \$90,000 of plea agreement fine.





# Batteries

## Propane Tanks





















# Hazardous Waste Inventory

- 340g acid cleaner
- 9yd. asbestos pipe
- 225g corrosive base
- 9yd. flammable adhesives
- 4 pallets lead acid batteries
- 85g latex paint
- 14g PCBs
- 620g waste oil
- 340g grease
- 15yd, 1,455g oil based paint
- 155g solder flux
- 3yd. lead soil
- 55g TPH soil
- Oxygen cylinder



# Solid Waste Cleanup

- Following hazardous materials cleanup, \$60,000 remained for solid waste cleanup
- 2004: New San Benito Co. D.A. ceased work with Circuit Prosecutor Program
- Increased interest by decision makers about New Idria (Rep. Sam Farr, Winston Hickox, etc.)

# Laying Groundwork

CIWMB superior to LEA in managing cleanups:

- ❖ Proven record: Pinnacle Natl. Park clean closure
- ❖ Contractors already in place
- ❖ Shorten project timeline
- ❖ Greater technical and managerial capacity than the LEA

# Pitch to CIWMB

- Sept. 2003: LEA approached CIWMB to manage solid waste cleanup
- Requested workplan for up to \$60,000
- Priority: tires, open landfill site
- Unorthodox Plan: Responsible party exists

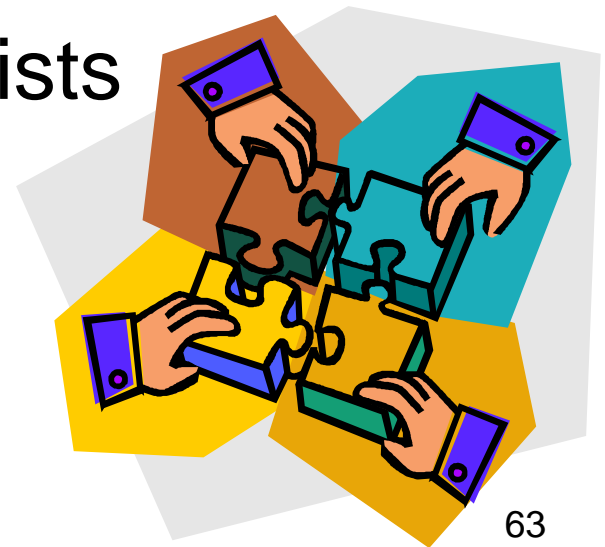


# Challenges

- Central Valley RWQCB: burial waiver
- Co. Pub. Works: staging permits
- District Attorney's Office: Change in prosecutors mid-stream. Conflicting actions created legal turbulence
- Local media scrutiny: bad feelings during prosecution

# Falling into Place

- Obtained written waiver from RWQCB
- D.A. agrees to release funding
- CIWMB surprises all with \$86,500 award
- Permits secured
- Fences mended with journalists
- Cleanup begins April 2004

















# Hauling Away

















# Before





# After



# Lessons Learned in Phase II

- Gauge critical mass and act when time is right
- Stretch the norm
- Involve the lawyers and confirm in writing!
- Relationships yield results
- Build Allies: electeds, decision makers, media reps.
- Thank & praise those responsible



# Quantities of Solid Waste Removed

- Rubbish/Debris: 678 tons
- Metal: 50 tons
- Wood: 20 tons
- Tires: 6 tons



# Next Steps: Historical Park?

- Citizens Group and current Board Supervisor have expressed interest in preserving New Idria as a historical park





# Problem: Brownfield Remediation

- Acid mine drainage
- Abandoned building cleanup
- 2004: San Benito Co. received \$200,000 Brownfields Assessment Grant from Federal EPA
- Determine RP's (numerous)
- Develop Workplan









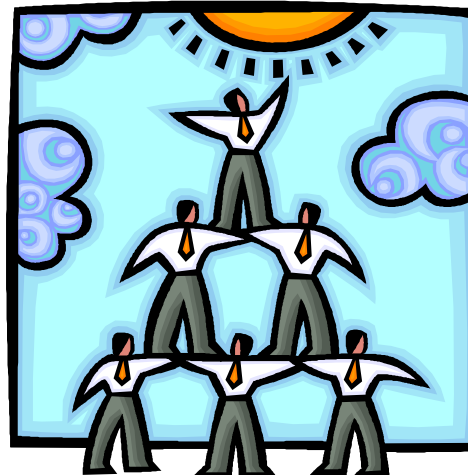


# Calcine Mine Tailings



# Benefits of Prior Enforcement to Brownfields Project:

- Minimize interference by current owner
- Stakeholders familiar with site
- Past success helps breed future success





# Take-Home Lessons

- Join a Task Force
- Relationships Yield Results
- Circuit Prosecutor valuable for rural Co.'s
- Gauge critical mass and act when time is right
- Stretch the norm
- Involve the lawyers and confirm in writing!
- Build Allies: electeds, decision makers, media reps.
- Thank & praise those responsible



# Photo & Historic Info Credits

- Brad Williams, CIWMB, Solid Waste Cleanup Project Coordinator
- Many historic photos copywritten by The New Idria Historical Preservation Society, 2005

# The End

- Questions?